

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES, *et al.*,

Plaintiffs

v.

AMERICAN EXPRESS CO., *et al.*,

Defendants

NO. 10-CV-04496 (NGG) (RER)
ECF CASE

**DECLARATION OF KEVIN J. ORSINI IN SUPPORT OF DEFENDANTS'
REPLY IN SUPPORT OF DEFENDANTS' MOTION TO STAY PENDING APPEAL**

I, KEVIN J. ORSINI, hereby declare as follows:

1. I am a member of the law firm of Cravath, Swaine & Moore LLP, co-counsel for Defendants American Express Company and American Express Travel Related Services Company, Inc. (collectively, "American Express") in the above-captioned matter. I am a member in good standing of the bar of New York and this Court.

2. I submit this declaration in support of Defendants' Reply in Support of Defendants' Motion to Stay Pending Appeal.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Opposition to Visa, Inc.'s motion to stay pending appeal that was filed by the United States in United States v. Visa, No. 98-cv-7076, Dkt. 228, 2002 WL 34242897 (S.D.N.Y. Jan. 18, 2002).

4. Attached hereto as Exhibit 2 is a true and correct copy of a screen-shot of the Spirit Airlines website, www.spirit.com/OptionalServices (last visited on May 15, 2015).

5. Attached hereto as Exhibit 3 is a true and correct copy of the article “Apple Pay competitor confirms email breach” by Brett Molina and Jefferson Graham, which appeared in USA Today on October 30, 2014, available at www.usatoday.com/story/tech/2014/10/29/mcx-currentc-apple-pay/18107755/ (last visited May 15, 2015).

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on May 15, 2015, in New York, NY.



Kevin J. Orsini